

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 7-9, 14-20, 22-31, 33, 34, 37-40, 42-50, 52-55 and 57-64 are in the case. Claims 1-13, 21, 32, 35, 36, 41, 49, 51 and 56 are cancelled. Claims 15-20, 22-31, 33, 34, 37-39, 42-48, 50, 52-55 and 57 are withdrawn from consideration. Claims 7-9 are canceled and now presented as new claims 61-63. Claim 49 is canceled and presented as new claim 64. The Examiner's points raised on page 2 of the Notice have received attention in the present Amendment.

The specification has been amended to include the Sequence Listing submitted herewith on separate sheets. Entry of the Sequence Listing does not raise the issue of new matter as the sequence information contained therein is presented in the application as originally filed. The computer readable copy of the Sequence Listing submitted herewith is believed to be the same as the attached paper copy of that Listing.

The sequences of SEQ ID NOS: 53-61, which refer to amended claims 14 and 59 have been described in Tables 1 and 2 as well as in initial claim 51. Attached herewith is a table summarizing the data concerning these sequences (SEQ ID NOS: 53-60 come from Table 2 and SEQ ID NO: 61 come from Table 1 of the present application).

Applicants await an early action on the merits. If the Examiner finds this case is not now in condition for allowance and believes that an interview prior to first action would be helpful in focussing and/or resolving issues, applicants request the Examiner

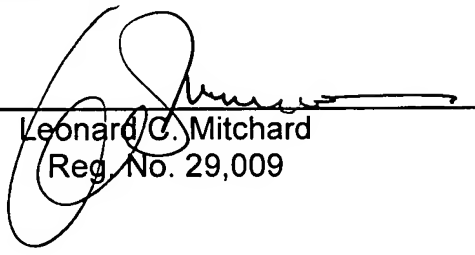
MOSSALAYI et al
Appl. No. 10/594,674
June 30, 2009

to contact their representative at the telephone number listed below to arrange a
telephonic or personal interview.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Leonard C. Mitchard
Reg. No. 29,009

LCM:lff
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
Attachment: Table summarizing sequence data of SEQ ID NOS: 53-61

B283 US – SEQ ID NOs

SEQ ID NO	Name	Sequence	Binding activity	% NO inhibition
53	436	H E N A P S His Glu Asn Ala Pro Ser	+++	60
54	437	H E N W S His Glu Asn Trp Ser	+++	56
55	490	G[allyl-] N W G[allyl-] S Xaa Asn Trp Xaa Ser Xaa (1) is glycine with allyl group $-\text{CH}_2-\text{CH}=\text{CH}_2$ Xaa (4) is glycine with allyl group $-\text{CH}_2-\text{CH}=\text{CH}_2$	+++	81
56	489	NH_2 G[allyl-] N W G[allyl-] Xaa Asn Trp Xaa Xaa (1) is glycine with allyl group $-\text{CH}_2-\text{CH}=\text{CH}_2$ Xaa (4) is glycine with allyl group $-\text{CH}_2-\text{CH}=\text{CH}_2$	+++	62
57	491	Ac w n CO_2H Xaa Xaa Xaa (1) is D-enantiomer of acetylated tryptophane Xaa (2) is D-enantiomer of asparagine	++++	94
58	411	Ac N W CO_2H Xaa Trp Xaa (1) is acetylated asparagine	+++	84
59	492	Ac n w CO_2H Xaa Xaa Xaa (1) is D-enantiomer of acetylated asparagine Xaa (2) is D-enantiomer of tryptophane	++	77
60	410	Ac N W BetaA CO_2H Xaa Trp Xaa Xaa (1) is acetylated asparagine Xaa (3) is beta-alanine	+++	61
61	249	H E N W P CONH_2 His Glu Asn Trp Xaa Xaa (5) is amidated proline	+++	-



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

MOSSALAYI et al

Atty. Ref.: LCM-3665-223

Serial No. 10/594,674

TC/A.U.: 1644

Filed: February 13, 2007

Examiner: Huynh, Phuong N.

For: PEPTIDES AND PEPTIDOMIMETICS BINDING TO CD23

* * * * *

June 30, 2009

Mail Stop Sequence

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

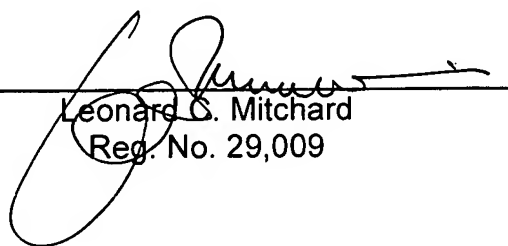
SUBMISSION OF SUBSTITUTE DECLARATION

Attached is an executed substitute declaration for this case. Entry is respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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Substitute Declaration

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60283WOAUS

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(Domestic Assigned) Page 1

RULE 63 (37 C.F.R. 1.63)
INVENTORS DECLARATION FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PEPTIDES AND PEPTIDOMIMETICS BINDING TO CD23

the specification of which (check applicable box(es)):

- ☐ is attached hereto
☒ was filed on **September 28, 2006** as U.S. Application Serial No. **10/594,674** (Atty. Dkt. No. 3665-223)
☐ was filed as PCT International application No. **PCT/IB2005/001133** on **5 April 2005**
and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application.

Foreign Application(s):
Application Number **04290899.6** Country **Europe** Day/Month/Year Filed **5 April 2004**

I hereby claim the benefit under 35 U.S.C. §118(e) of any United States provisional application(s) listed below.
Application Number _____ Day/Month/Year Filed _____

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT International applications listed above or below.
Prior U.S./PCT Application(s): _____ Status: patented
Application Serial No. _____ Day/Month/Year Filed **5 April 2005** pending, abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby ask that all correspondence in this matter be directed to:

Customer Number: 23117

1. Inventor's Signature: _____ Date: **June 9th / 2009**

Inventor: **Mohammad** **Djavad** **Mossalayi** **France**
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2. Inventor's Signature: _____ Date: **June 09 2009**

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☒ See attached sheet(s) for additional inventor(s) information.

RULE 63 (37 C.F.R. 1.63)
INVENTORS DECLARATION FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

3. Inventor's Signature: [Signature] Date: 09/06/09
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5. Inventor's Signature: [Signature] Date: June 17th 2009
5. Inventor: Christopher R. Self United States of
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6. Inventor's Signature: _____ Date: _____
6. Inventor: _____
(first) (last) (citizenship)
Residence: (city) _____ (state/country) _____
Mailing Address: _____
(Zip Code) _____

7. Inventor's Signature: _____ Date: _____
7. Inventor: _____
(first) (last) (citizenship)
Residence: (city) _____ (state/country) _____
Mailing Address: _____
(Zip Code) _____

FOR ADDITIONAL INVENTORS, check box [] and attach sheet with same information and signature and date for each.